

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STATES OF AMERICA

v.

[1] **CHESTER GALLAGHER**
[2] **HEATHER IDONI**
[3] **CALVIN ZASTROW**
[4] **COLEMAN BOYD**
[7] **DENNIS GREEN**

**No. 3:22-CR-00327
JUDGE TRAUGER**

**MOTION REQUESTING LEAVE TO MANUALLY FILE
AUDIO/VISUAL RECORDINGS RELEVANT TO
OBJECTIONS AND PRETRIAL ISSUES**

Comes now the Defendants, Chester Gallager, Heather Idoni, Calvin Zastrow, Coleman Boyd, Paul Vaughn and Dennis Green, by and through undersigned counsel, and hereby move this Honorable Court for permission to manually file a flash drive containing five audio/visual recordings of the March 5, 2021 incident.

In support of this Motion, undersigned counsel submit the following:

1. The Government has provided a list of approximately seventy-one recording clips and has indicated that it intends to introduce the majority of the clips at trial during the government's case-in-chief (see attached video clip list, Exhibit A); the Government is still in the process of deciding which of the listed clips they intend to introduce at trial. The video clips are from five different videos.

2. The Government has indicated that it will introduce a clip and a transcript of the clip through one of its agents. If the government does this, the defense will need to introduce responsive video clips and transcripts to put the isolated statements into context.
3. The parties have attempted to resolve the video clip issue but have been unsuccessful. The defense has suggested playing video clips, in full, with slight redactions. The Government, thus far, is not agreeable to this proposal.
4. Once the Defendants have a finite list of the Government's clips, the Defendants will generate their responsive clips, however the Defendants will also propose to the Court that a more efficient and accurate manner of presenting the video clips is to play at least one of the longer videos with a few redactions. The playing of one or more of the longer videos (Chet Gallagher or Dennis Green video) provides the most accurate and relevant depiction of what occurred and the context in which events transpired.

Because the Defendants anticipate that the videos will be the subject of litigation as the trial date nears, the Defendants wish to manually file a thumb drive containing the following videos with the Court:

Dennis Green Video

Carafem Employee Video (IMG_4126.mov)¹

WZTV-FOX-17 News Video

Chet Gallagher Video

Coleman Boyd Recording

Because the parties anticipate litigation prior to the playing of the above videos, the Defendants request leave of court to manually file a thumb drive containing the videos with the Court, so that the Court has them in advance of the January 10, 2024 pretrial conference, in the event that the Court may want to review them in advance.

Based upon foregoing, the Defendants request that the instant motion be granted and that the Defendants be allowed to manually file the videos.

Respectfully submitted,

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¹ The Government has proposed to play this entire video but to mute the sound. The defense will object to this and will seek to play the same video with the sound on. *See* FRE 106, 611(a) and 801(d)(2).

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Motion was filed electronically and served on the following by the EF/CME electronic filing system:

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This the 27th day of December 2023.

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